

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

GEORGE E. BROWN, )  
                        )  
                        )  
Movant,              )  
                        )  
                        )  
vs.                    )                     Case No. 1:08 CV 182 CDP  
                        )  
                        )  
UNITED STATES OF AMERICA, )  
                        )  
                        )  
Respondent.          )

**MEMORANDUM AND ORDER**

Movant George Brown's *fifth* motion under Rule 60(b) is pending in this closed civil case brought under 28 U.S.C. § 2255.<sup>1</sup> He continues to seek to relitigate his 2006 criminal conviction in Case No. 1:05CR178 RLW. In that case Brown represented himself in a jury trial and was convicted of possession with intent to distribute five grams or more of cocaine base. His conviction and sentence were affirmed on appeal. *United States v. Brown*, 499 F.3d 817 (8th Cir. 2007). I denied relief in this § 2255 case, ECF 23, 24, and the Court of Appeals denied a Certificate of Appealability, ECF 32. Additionally, the Court of Appeals has upheld all my denials of his previous Rule 60(b) motions, either through summary denials or by denying Certificates of Appealability, and the Supreme Court has denied all of Brown's petitions for writs of certiorari. *See* ECF 33, 36, 49, 50, 53, 68, 76, 80. As I stated in my order denying Brown's third Rule 60(b)

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<sup>1</sup> Brown has also filed several "supplements" to the latest Rule 60 motion.

motion, ECF 71, “despite all these filings, he has never obtained any post-conviction or appellate relief. This is because all his filings are patently frivolous.” This motion is also frivolous, and I will deny it as well.

In the latest motion, Brown contends that I applied the wrong standard in denying his request for a Certificate of Appealability when I denied his original § 2255 motion. But he ignores the fact that, as stated above, the Court of Appeals also considered his request for a certificate of appealability and denied it. He also argues that he was wrongly denied the right to represent himself in the pretrial phases of his criminal case. This issue was raised in the § 2255 case and was rejected on the merits.

It appears that Brown is now out of prison, having completed his sentence in the original 2006 conviction and the later sentence for revocation of supervised release in that case. Case No. 1:05CR178 RLW. It appears he has also completed his sentence in a later conviction for possession with intent to distribute methamphetamine and cocaine base, Case No. 1:15CR63 RLW, and is currently on supervised release in that case.

I will deny the fifth Rule 60(b) motion as it lacks all merit, and I strongly recommend that Brown find something else to do with his time besides filing frivolous motions in this court.

Accordingly,

**IT IS HEREBY ORDERED** that George Brown's latest motion for relief, including all "supplemental motions" [81, 83, 84] are denied.

**IT IS FURTHER ORDERED** that Brown's motion for ruling [85] is denied as moot.

**IT IS FURTHER ORDERED** that this Court will not issue a certificate of appealability as this motion, like the others, is frivolous.



CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 4th day of May, 2022.